

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI, DEPARTMENT OF SOCIAL SERVICES, FAMILY SUPPORT
DIVISION,**

APPELLANT

vs.

**RANDY JAY SWANK, D/B/A SWANK FARMS,
RESPONDENT**

DOCKET NUMBER WD79244

DATE: OCTOBER 25, 2016

Appeal from:

The Circuit Court of Grundy County, Missouri
The Honorable Steven Daniel Hudson, Judge

Appellate Judges:

Division Three: Thomas H. Newton, Presiding Judge, Cynthia L. Martin, Judge and Edward R. Ardini, Jr., Judge

Attorneys:

Jennifer M. Addadi, for Appellant

Allan Seidel, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI, DEPARTMENT OF SOCIAL SERVICES, FAMILY SUPPORT
DIVISION, APPELLANT**

v.

RANDY JAY SWANK, D/B/A R. SWANK FARMS, RESPONDENT

WD79244

Grundy County, Missouri

Before Division One: Thomas H. Newton, Presiding Judge, Cynthia L. Martin, Judge and Edward R. Ardini, Jr., Judge

The Missouri Department of Social Services, Family Support Division, petitioned the circuit court to enforce an income withholding order issued to employer of child support obligor. The circuit court entered judgment in favor of employer. Division appeals.

REVERSED AND REMANDED.

Division One holds:

That an employer who receives an order from the Division to withhold income for child support but fails or refuses to withhold the same is strictly liable to the Division for its failure to withhold the employee's income, even where the employee/child support obligor has provided the employer information challenging the underlying order.

Opinion by: Edward R. Ardini, Jr., Judge

Date: October 25, 2016

<p>This summary is <i>UNOFFICIAL</i> and should not be quoted or cited.</p>
